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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 2nd day of June, 1998

Before:

THE HON'BLE MR. JUSTICE R.V. RAVEENDRAN

Writ Petition No. 17831 of 1990

Jagannath,
s/o Lakshamma,
r/o Mudalapalya,
No.43, Mudalapalya,
Bangalore-72

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..Petitioner

(By Sri H.T. Narayan, Advocate)

-Vs-

1. Bangalore Development
Authority, Kumara Park,
Bangalore-20 by its
Commissioner;
2. Special Tahsildar,
Prevention of Unauthorised
Construction, Krushi Bhavan,
Bangalore-2

..Respondents

(By Sri Shantappa, Adv., for R1;
Sri A. Nagarajappa, AGA, for R2)

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Writ Petition is filed praying to direct the respondents-2 not to demolish the building (Ashrama) situated on the land, issue interim order restraining the R-2 and his agents from demolishing the Ashrama situated on the land.

This writ petition coming on for preliminary hearing in 'B' Group this day, the Court made the following:-

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O R D E R

The petitioners claims that he is the owner in possession of the property bearing No 43 in Sy No 52 of Maalagaalu village, Yeshwanthpur Hobli, Bangalore North taluk, measuring 40'x30'. According to petitioner, the said plot belongs to one Muniswamappa and he gave it for construction of Yoganarayana Thathayyanavara Ashrama to one Smt Gangamma, grandmother of petitioner, and said Gangamma had put up an Ashrama therein and after her death, the original owner Muniswamappa transferred the property including the Ashrama to the name of petitioner by giving a power of attorney on 6-5-1989. The petitioner claims that the officials of Bangalore Development Authority have tried to demolish the structure therein. Hence he has filed this petition seeking a direction to the second respondent not to demolish the building situated in the plot in question.

2. The petitioner has not produced any title deed or other documents to show his ownership. No title can be transferred by giving power of attorney. The petitioner has also not produced any

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document to show that the said Muniswamappa, who gave the power of attorney, is the owner of the property in question. If the petitioner claims to be the owner and if the BDA is attempting to interfere with his possession, the appropriate remedy is to approach the civil court. This court in a writ proceedings will not decide ~~the~~ disputed questions of title and possession. ✓

3. Hence, reserving liberty to the petitioner to approach the civil court, if he wants to safeguard his title and possession, this petition is dismissed.



*pjk

Sd/-
JUDGE